IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 2064 of 2005

Between:

1 N.Jagannath, S/o.Nagamanikyam,
R/o.H.No.5-162, Gooty R.S.Ananthapur District.
2 N.Varalakshmi, W/o.N.Jagannath,
R/o.H.No.5-162, Gooty R.S.Ananthapur District.

..... PETITIONERS

AND

1 The Superintendent of police, Ananthapur.
2 The Station House officer, Gooty Police Station, Ananthapur Dist.
3 Pachipulusu Balasubrahmanyam, S/o.P.Venkateswarlu,
R/o.D.No.10-6, Kukkalabavi Street,
Gooty Town, Ananthhapur District.
4 P.Jayalakshmi, W/o.Balasubrahmanyam,
R/o.D.No.10-6, Kukkalabavi Street, Gooty Town,
Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the respondent in interfering with the personal liberty of the petitioners, otherwise than by the due process of law as illegal, arbitrary and unconstitutional being violative of Articles 14 and 21 of the Constitution of the India and consequently direct the respondent not to interfere with the personal liberty of the petitioners and to pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.C.PRAKASH REDDY

Counsel for the Respondent Nos. 1 and 2 : GP FOR HOME

The Court made the following :

ORDER:.

Heard.

Petitioners herein, seek writ of Mandamus declaring the action of the respondents in interfering with the personal liberty of the petitioners without due process of law as illegal, arbitrary and unconstitutional.

In the counter affidavit filed by respondents 1 and 2, it is stated that there are some disputes between petitioners and some other people and the third respondent herein, lodged a compliant against one D.N. Satyanarayana, and the Gooty Police have registered a case in Crime No. 120 of 2003, under Section 420 IPC and the investigation is still pending. It is further stated that the said D.N. Satyanarayana, against whom the compliant was lodged, is absconding since commission of offence. It appears that some other Criminal proceedings under Section 138 of the Negotiable Instruments Act, are also pending in CC No. 378 of 2003.

It is asserted by the respondents 1 and 2 that they did not call the petitioners to Police Station and demanded to execute certain documents to the effect that they have borrowed some amount form unofficial respondents. It is also stated that the petitioners never called to the police station to execute any documents. In fact, it is stated that as on date, no cases are pending against the petitioners and hence, the question of calling the petitioners to the Police Station does not arise.

Having regard to the facts stated in the counter affidavit, since it appears that investigation is still going on and no cases are pending against the petitioners, the relief as sought, cannot be granted by this court and therefore, the Writ Petition is liable to be dismissed.

Accordingly, the Writ petition is dismissed. However, it is needless to mention that the investigating agency shall proceed in accordance with law, pending any kind of investigation, against any citizen. No costs.

D.S.R. VARMA, J

DATED: 02.03.2005

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To

1 The Superintendent of police, Ananthapur.
2 The Station House officer, Gooty Police Station, Ananthapur Dist.
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Ananthapur District.

5. 2 CCs to G.P. for Home, High Court of A.P., Hyderabad. (OUT)

6. 2 CD Copies.